

Brown On Citizenship.

One of the remarkable features about Justice Brown's opinion in the Porto Rican case has escaped general observation. After saying "in short the constitution deals with states, their people and their representatives," Justice Brown proceeded in his effort to sustain this view. He pointed out that the 13th amendment to the constitution, prohibiting slavery and involuntary servitude "within the United States or any place subject to their jurisdiction," is "also significant as showing that there may be places within the jurisdiction of the United States that are no part of the United States."

Justice Brown laid great stress upon the fact that the words "or any place subject to their jurisdiction" were used in the 13th amendment, and in order to strengthen his position he pointed to the language of the 14th amendment, saying, "upon the other hand the 14th amendment upon the subject of citizenship declares 'all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the states wherein they reside.'"

Then Justice Brown said: "Here is a limitation to persons born or naturalized in the United States which is not extended to 'any place subject to their jurisdiction!'"

Now when we remember that Justice Brown has held that "the United States" means the states, and when we observe that Justice Brown has emphasized the fact that the constitutional clause relating to citizenship is limited to persons born or naturalized in the United States and is not extended to any place in their jurisdiction, then we may suspect that under the interpretation of Mr. Justice Brown a man born in the District of Columbia or in any of our territories would not be eligible to the office of president.

Under that interpretation a man born in the District of Columbia or any of our territories, and moving into one of the states, must take the oath of allegiance and go through the formal process of naturalization exactly as a foreigner would do. To be sure this seems ridiculous. And yet it must be remembered that we are dealing with an absurd judicial opinion; and we think it fair to say that Justice Brown has made it clear in this holding that only citizens of states are citizens of the United States, except where congress has expressly made them citizens.

England and Ireland.

A reader of THE COMMONER has enquired whether there is any difference between the citizens of Ireland and the citizens of England in respect to rights enjoyed under the government of Great Britain. This subject was recently discussed editorially in Mr. Finerty's paper, The Citizen, of Chicago. The following condensation of the Citizen's editorial not only answers the inquiry but shows the necessity for a written constitution to protect the rights of citizens (or subjects either for that matter). The Citizen says:

"The following are some of the differences between British law as administered in Great Britain and the laws that govern Ireland:

"In Great Britain the people have the right of public meeting. In Ireland public meetings are subject to the good will of magistrates, who are almost invariably opposed to the political sentiment of the people.

"In Great Britain volunteers for the defense of the country are encouraged. In Ireland they are forbidden. In Great Britain young men can form military corps and drill when and where they please. In Ireland to do so would constitute the crime of treason felony. In Great Britain every man has the right to bear arms. In Ireland only those licensed for that purpose can own a weapon of any description. To obtain a license is exceedingly difficult for a man with Irish national

sentiments. Vendors of firearms are obliged to keep a register of sales for the inspection of the police, giving name and address of purchasers.

"In Great Britain the judiciary is beyond the pollution of politics; the judges once appointed to any one grade of the judiciary cannot be promoted to a higher one, they are thus independent of the government, and not tempted by hope of further judicial rewards to be subservient to any political party. In Ireland political service opens the way to the bench; and, as a judge can be promoted from the lowest to the highest grade in the judiciary, it has been proven by experience that to stand well with the government is a much higher recommendation for promotion than knowledge of the law. Hence in any question at issue between the people and the government, bitter experience has proved the more than bias of the judges in favor of the government. In Great Britain packing of juries is unknown. In Ireland in all cases that hinge, however so remotely, upon social and political conditions the packing of juries is practiced with an almost open contempt for public opinion.

"In Great Britain the public peace is maintained by peace officers in large cities and by constables in country villages—a regular police force, just as we have it in America, only the carrying of revolvers by policemen is more restricted. In Ireland the so-called police force is a standing army of 15,000 men, armed, equipped, and drilled, just the same as regular soldiers, and for which the Irish people have to pay about \$7,000,000 per annum—all this in face of the fact that Ireland is absolutely the most crimeless country in Europe, the only country where the judges of assize are so frequently presented by the county sheriffs with white gloves as a token of a blank criminal calendar.

"In Great Britain, with the exception of certain districts of Scotland, the relations between landlord and tenant do not resemble those that prevail in Ireland. Ireland has a peasantry, that is, a class of small farmers. England has none. Her military history is just now proving the truth of Goldsmith's verse:

Ill fares the land to hastening ills a prey
Where wealth accumulates and men decay.
Princes and lords may flourish, or may fade,
A breath can make them as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed can never be supplied.

"English greed destroyed the English peasantry. English farms are large, the farmer looks upon it as a mere agricultural plant for the prosecution of his business. The farm is not to him what the few acres of ground mean to the Irishman, or did mean to the expatriated Scottish Highlander. If it does not suit him he readily seeks another. The landlord provides house and offices, fences, gates and drains; the tenant simply cultivates the land, and the rent is mutually agreed upon on the basis of agricultural prospects and prices. In Ireland, as a general rule, the landlord never expends a penny upon the farms. The tenants build houses, fences and drains and until the passage of the compensation for disturbance bill, when the tenants were evicted, the value of the improvements were confiscated to the landlord. At the present time the rents are not based on the productive capacity of the land, nor upon the prices of produce, but where they are not arbitrarily imposed by the landlord, they are judicially imposed by a land court to run for a certain number of years independent of crops or prices. When it is understood that the Irish farmer's cottage and few acres attached have been the home of his fathers for generations, the land is perhaps the confiscated property of his ancestors, or communal land of his clan, he is far from occupying the position of the English farmer as a free contracting party. The Englishman is rarely hampered by local and traditional ties.

"In the legislature English and Scotch measures are discussed upon their merits. Irish measures are treated with absolute contempt. Irish representatives stand 103 against 553 British, and the odds are rendered more hostile by bitter national hate. When Isaac Butt was leader of the Irish party he brought in 100 bills of the first importance to Irish national and industrial affairs. In every case he was backed by a majority of the Irish members. Every single bill was thrown out. It is just the same today, and the Irish representative is forced to conceive a feeling of contempt for a majority that seems to take pleasure in treating Irishmen with the cowardly brutality of unreasonable bullies.

"In 1800 Ireland's national debt, including the amount charged up to her as the price paid by England to carry the union, was £26,841,219. England's debt at the same time was £420,305,210. By a clause in the Act of Union, on this basis, the exchequers of the two nations were to be kept separate. In 1816 this treaty was broken. The two exchequers were consolidated, and Ireland's share was put down at £110,730,519. First robbery!

"On the question of England's overtaxation of the Irish let the English tory paper, the Saturday Review of July 25, 1896, make the confession of the second robbery.

"The royal commission appointed to inquire into the financial relations of Great Britain and Ireland published its report several weeks ago. Ten out of the thirteen commissioners agree that we have taken £2,750,000 a year more from Ireland than Ireland ought to have paid. And this fleecing of England's weaker sister has been going on at this rate for something like half a century. According to the finding of a commission, mainly composed of Englishmen, we owe Ireland considerably over £100,000,000."

"In point of fact it is nearer to £150,000,000. Think of it—a little island less than half the size of Nebraska robbed of \$750,000,000 in fifty years of the late Queen Victoria's reign—and that through only one source of plunder—overtaxation.

"In Great Britain, a Protestant country, the vast majority of government officials are of the Protestant faith. In Ireland, a Catholic country, the vast majority of the officeholders holding under the crown are selected from the Protestant minority, and especially is this discrimination found in the magistracy. In Great Britain great universities founded by Catholics are now Protestant institutions endowed by the state, but when the Catholics of Ireland ask for the endowment of a Catholic university they are refused.

"Evidently a different set of principles governs the administration of the law in Ireland from that which prevails in Great Britain, and the difference illustrates the wonderful elasticity of that intangible thing called the British constitution."

The American Flag.

JOSEPH RODMAN DRAKE.

When Freedom, from her mountain height,
Unfurled her standard to the air,
She tore the azure robe of night,
And set the stars of glory there!
She mingled with its gorgeous dyes
The milky baldrick of the skies,
And striped its pure, celestial white
With streakings of the morning light;
Then, from his mansion in the sun,
She called her eagle-bearer down,
And gave into his mighty hand
The symbol of her chosen land.

Majestic monarch of the cloud!

Who rear'st aloft thy regal form,
To hear the tempest trumping loud,
And see the lightning lances driven,
When strive the warriors of the storm,
And rolls the thunder-drum of heaven—
Child of the Sun! to thee 'tis given
To guard the banner of the free,
To hover in the sulphur smoke,
To ward away the battle stroke,
And bid its blendings shine afar,
Like rainbows on the cloud of war,
The harbingers of victory!

Flag of the brave! thy folds shall fly,
The sigh of hope and triumph high!
When speaks the signal-trumpet tone,
And the long line comes gleaming on,
Ere yet the life-blood, warm and wet,
Has dimmed the glistening bayonet,
Each soldier's eye shall brightly turn
To where thy sky-born glories burn,
And, as his springing steps advance,
Catch war and vengeance from the glance.

And when the cannon-mouthings loud
Heave in wild wreaths the battle shroud,
And gory sabres rise and fall
Like shoots of flame on midnight's pall,
Then shall thy meteor glances glow,
And cowering foes shall shrink beneath
Each gallant arm that strikes below
That lovely messenger of death,
Flag of the seas! on ocean wave
Thy stars shall glitter o'er the brave;
When death, careering on the gale,
Sweeps darkly round the bellied sail,
And frightened waves rush wildly back
Before the broadside's reeling rack,
Each dying wanderer of the sea
Shall look at once to heaven and thee,
And smile to see thy splendors fly
In triumph o'er his closing eye.

Flag of the free heart's hope and home;
By angel hands to valor given!
Thy stars have lit the welkin dome,
And all thy hues were born in heaven.
Forever float that standard sheet!
Where breathes the foe but falls before us;
With Freedom's soil beneath our feet,
And Freedom's banner streaming o'er us!